DMB:JPL:RMT
F.#2012R01575

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
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UNITED STATES OF AMERICA

- against –

QUAZI MOHAMMAD REZWANUL AHSAN NAFIS,

Defendant.

C O M P L A I N T

(T. 18, U.S.C., §§ 2332a(a)(2)(D) and 2339B(a)(1))

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EASTERN DISTRICT OF NEW YORK, SS:

JOHN NEAS, being duly sworn, deposes and says that he is a Special Agent with the Federal Bureau of Investigation, duly appointed according to law and acting as such.

Upon information and belief, on or about October 17, 2012, within the Eastern District of New York and elsewhere, the defendant QUAZI MOHAMMAD REZWANUL AHSAN NAFIS did knowingly, intentionally and without lawful authority attempt to use a weapon of mass destruction, to wit: an explosive bomb, against persons and property within the United States, and the offense and the results of the offense would have affected interstate and foreign commerce.

(Title 18, United States Code, Section 2332a(a)(2)(D))

Upon information and belief, on or about and between July 15, 2012 and October 17, 2012, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere,

the defendant QUAZI MOHAMMAD REZWANUL AHSAN NAFIS did knowingly and intentionally attempt to provide material support and resources, as defined in 18 U.S.C. § 2339A(b), including communications equipment, explosives and personnel, including himself, to a foreign terrorist organization, to wit: al-Qaeda.

(Title 18, United States Code, Section 2339B(a)(1))

The source of your deponent's information and the grounds for his belief are as follows:[1]

1. I am a Special Agent with the Federal Bureau of Investigation ("FBI"). I have been employed by the FBI for approximately two years. I am currently assigned to the New York Joint Terrorism Task Force ("JTTF"), which is dedicated to

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[1] Because this affidavit is being submitted for the limited purpose of establishing probable cause to arrest, I have not set forth every fact learned during the course of this investigation. At various points in this affidavit, I will offer my interpretations of certain communications in brackets and otherwise. My interpretations are based on my knowledge of the investigation to date and review of prior communications, the contents and context of the communications, prior and subsequent communications, conversations with other officers, and my experience and familiarity with terrorist organizations generally. Summaries of communications do not include references to all the topics covered during the course of the communications. In addition, the summaries do not necessarily include references to all statements made by the speakers on the topics that are mentioned. Finally, quotations from written communications are as they appear in their original form, including any grammatical or spelling errors. While transcribers have attempted to transcribe conversations accurately, to the extent that quotations from these communications are included, these are preliminary, not final, transcriptions.

investigating counterterrorism-related matters. As a result of my training and experience, I am familiar with the tactics, methods and techniques of terrorist networks and their members.

BACKGROUND

I. The Defendant

2. According to records from federal immigration authorities, the defendant QUAZI MOHAMMAD REZWANUL AHSAN NAFIS (hereinafter "NAFIS") is a 21-year-old Bangladeshi citizen who entered the United States on a student visa in or about January 2012. NAFIS lives in Queens, New York.

II. Al-Qaeda

3. Al-Qaeda has been designated by the Secretary of State as a foreign terrorist organization pursuant to section 219 of the Immigration and Nationality Act. On February 23, 1998, al-Qaeda issued the following directive:

> [I]n compliance with God's order, we issue the following fatwa to all Muslims: The ruling to kill the Americans and their allies -- civilians and military -- is an individual duty for every Muslim who can do it in any country in which it is possible to do it[.]

Al-Qaeda has committed and attempted to commit numerous large-scale terrorist attacks against the United States and American citizens, including, among others, the August 7, 1998 bombings of United States embassies in Nairobi, Kenya, and Dar es Salaam, Tanzania, which

caused hundreds of deaths, and the September 11, 2001 airplane hijackings and attacks on the World Trade Center and Pentagon, which caused the deaths of thousands of Americans. More recently, in 2009, three al-Qaeda operatives plotted to conduct a suicide bombing attack against the New York City subway system, but the plot was disrupted by law enforcement.

SUMMARY OF THE EVIDENCE

I. NAFIS Contacts A Confidential Source And Expresses A Desire To Wage Violent Jihad Against The United States

4. In or about early July 2012, NAFIS first contacted an FBI confidential human source (the "CHS") and subsequently attempted to recruit the CHS into a jihadist cell to carry out a terror attack on U.S. soil. On or about July 5, 2012, the CHS received a call from NAFIS wherein NAFIS advised, in sum and substance, that NAFIS is from Bangladesh but came to the United States to wage "jihad."[2] NAFIS told the CHS that all Muslims and Muslim sheikhs in the United States are "Talafi," meaning not true Muslims. NAFIS also told the CHS that NAFIS admired Sheikh "O," whom the CHS understood to be Osama bin Laden. In addition, NAFIS told the CHS that he

[2] "Jihad" is an Arabic term meaning "struggle," referring to one's struggle on behalf of Islam. In the context of the communications set forth herein, and based on later communications, I understand NAFIS to be referring to a violent form of jihad, or holy war.

admired the magazine starting with “I,” which the CHS understood to be the al-Qaeda-affiliate-sponsored publication “Inspire.”[3]

5. During that same July 5, 2012 call with the CHS, NAFIS described the United States as “dar al-harb,” which means “land of war” in Arabic. NAFIS further told the CHS that NAFIS believes it is permissible to travel to the United States for only two reasons: for “dawaa,” which means “preaching,” or for “J,” which the CHS understood to mean “jihad.” During this call, NAFIS told the CHS that he was in communication with both an individual in the United States (the “CO-CONSPIRATOR”)[4] and another “brother” in Bangladesh. NAFIS told the CHS that this group, including the CHS, should remain in close contact.

6. On or about July 6, 2012, the CHS engaged in a consensually recorded telephone conversation with NAFIS. During that conversation, NAFIS stated that he was in New York City. NAFIS

[3] Based on my training and experience, I know that Inspire is an English-language online magazine reported to be published by al-Qaeda in the Arabian Peninsula (“AQAP”). Among other things, the magazine includes recruiting material for AQAP and provides information about how to carry out particular types of terrorist attacks. For example, one article titled “How to Make a Bomb in the Kitchen of Your Mom” describes how to construct a bomb using items found in a typical kitchen. As of the date of this affidavit, there have been nine issues of the magazine.

[4] The CO-CONSPIRATOR is not a government agent and has subsequently been arrested by federal authorities for non-terrorism-related felony offenses.

also stated that he wanted to recruit others to join the group. NAFIS discussed the possibility of "martyrdom" during this conversation.

7. During the period between July 6, 2012 and July 8, 2012, NAFIS, the CO-CONSPIRATOR and the CHS began to communicate via Facebook, an internet social-media website. During these communications, which were consensually recorded by the CHS, the three discussed certain Islamic legal rulings that advise that it is unlawful for a person who enters a country with a visa to wage jihad there. NAFIS stated that he had conferred with another individual in Bangladesh and was advised that he was not bound by such rulings. Accordingly, NAFIS indicated that he believed that he was free to continue with his plan to conduct a terrorist attack on U.S. soil.

8. On or about July 11, 2012, the CO-CONSPIRATOR told the CHS, in sum and substance, that NAFIS had previously told the CO-CONSPIRATOR that NAFIS wanted to attack and kill a high-ranking government official (the "high-ranking official"). This communication was consensually recorded.

9. A few hours later, on or about July 12, 2012 in the early morning, NAFIS told the CO-CONSPIRATOR and the CHS, in sum and substance, that NAFIS had contacts with al-Qaeda members overseas who could assist the group in planning and executing an attack on

the high-ranking official. This communication was consensually recorded.

10. On or about July 14, 2012, NAFIS told the CHS, in sum and substance, that NAFIS intended to return to Bangladesh, likely in December 2012, to obtain training from al-Qaeda. This communication was also consensually recorded.

II. NAFIS Meets With The UC And Describes His Plan For A Terrorist Attack In The United States

11. The CHS had previously told NAFIS during a consensually recorded communication that the CHS knew an individual who was a member of al-Qaeda, and NAFIS indicated that he wanted to speak to that individual. During a subsequent consensually recorded conversation on or about July 15, 2012 between NAFIS and an undercover law enforcement officer purporting to be the CHS’s al-Qaeda contact, NAFIS stated, in sum and substance, that he wanted assistance from al-Qaeda in launching a terrorist attack in the United States. In a subsequent consensually recorded communication, the undercover officer told NAFIS, in sum and substance, that he would have another al-Qaeda member contact NAFIS to assist with an attack.

12. On or about July 19, 2012, another undercover law enforcement officer posing as an al-Qaeda member and facilitator (the “UC”), spoke with NAFIS on the telephone and arranged a meeting in

Central Park in Manhattan, New York to occur on or about July 24, 2012. The call was consensually recorded.

13. On or about July 24, 2012, NAFIS met the UC in Central Park. During that meeting, which was consensually recorded, NAFIS told the UC, in sum and substance, that he wished to launch a terrorist attack against the United States. NAFIS further told the UC, in sum and substance, that he was collaborating with two other individuals -- "Yaqueen" (the CO-CONSPIRATOR) and the CHS -- and that those individuals also wanted to participate in the attack. NAFIS stated, "We are ready for action." NAFIS then said, in sum and substance, that he, "Yaqueen" and the CHS "don't care anything about our work. We just want to meet our lord as soon as we can." NAFIS continued:

> What I really mean, is that I don't want something that's like, small. I just want something big. Something very big. Very very very very big, that will shake the whole country, that will make America, not one step ahead, change of policy, and make one step ahead, for the Muslims . . . that will make us one step closer to run the whole world . . . .

14. NAFIS further told the UC during the July 24, 2012 meeting, in sum and substance, that "Yaqueen" had told him about a military base in Baltimore with one guard standing outside whom they could attack. NAFIS then stated, in sum and substance, that he proposed to attack more than a single individual. NAFIS explained,

“I want to do something that brothers coming after us can be inspired by us.

III. NAFIS Selects Manhattan’s Financial District As The Target For His Attack

15. During a consensually recorded telephone communication between NAFIS and the UC on or about August 5, 2012, NAFIS told the UC, in sum and substance, that NAFIS was considering the New York Stock Exchange as a possible target. On or about August 9, 2012, FBI agents conducting surveillance on NAFIS observed him in the area of the Stock Exchange, apparently as part of NAFIS’s efforts to assess its suitability as a target. Surveillance agents also observed NAFIS appearing to take notes while he was in the area of the Stock Exchange.

16. On or about August 11, 2012, NAFIS met with the UC in a hotel room in Queens, New York. During that meeting, which was consensually recorded, NAFIS confirmed that he wanted to target the financial district of Manhattan -- specifically, the New York Stock Exchange. NAFIS told the UC, in sum and substance, that he wanted to use explosives as part of a suicide attack, either contained in one or more cars, or strapped to his person. NAFIS explained, “We are going to need a lot of TNT or dynamite.” NAFIS also provided the UC with a handwritten map of the area that NAFIS had apparently

prepared while scouting the area around the Stock Exchange on or about August 9, 2012.

17. During that same meeting, NAFIS asked the UC whether approval for NAFIS's proposed attack would come from the "top" of the al-Qaeda leadership. The UC responded, in sum and substance, that he was going to meet with al-Qaeda leadership and advise them about NAFIS's plan.

18. NAFIS and the UC then traveled to the financial district in Manhattan, and NAFIS took several photographs of prospective targets in that area.

IV. NAFIS Describes His Proposed Attack And Confirms That It Will Be On Behalf Of Al-Qaeda

19. On or about August 23, 2012, NAFIS again met with the UC in a hotel room in Queens, New York. Just a few minutes after arriving at that meeting, which was consensually recorded, NAFIS asked, "The thing that I want to ask you about is that, the thing that I'm doing, is it under al-Qaeda?" The UC responded in the affirmative.

20. The UC subsequently asked NAFIS what NAFIS needed to carry out his proposed attack, and NAFIS explained that he needed a "big car with lots of fruits and vegetables in there which can blow up the whole New York Stock Exchange building." NAFIS added that he needed "to make sure that this building is gone."

21. NAFIS subsequently told the UC, in sum and substance, that he understood and was committed to al-Qaeda's ideology. NAFIS also asked the UC why the UC did not join him in carrying out the attack. NAFIS asked, "Can I ask you something? Why aren't you (inaudible) to drive the car yourself? Why don't you want to be shahid?"[5] The UC responded, in sum and substance, that it was his role to facilitate NAFIS's attack.

22. At the conclusion of that August 23, 2012 meeting, the UC advised NAFIS that the UC was going to travel overseas to meet with al-Qaeda leadership to discuss NAFIS's proposed attack. The UC further told NAFIS that the UC would contact NAFIS again when the UC returned.

23. On or about August 26, 2012, FBI agents performing surveillance again observed NAFIS in the area of the financial district, apparently again for the purpose of scouting the location for his proposed attack. The next day, on or about August 27, 2012, NAFIS described NAFIS's recent meeting with the UC to the CHS and told the CHS, in sum and substance, that NAFIS believed he was now a member of al-Qaeda. NAFIS told the CHS that "K"[6] had traveled

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[5] Based on my training and experience, and the context of this discussion, I know that dying "shahid" refers to martyring oneself.

[6] The UC told NAFIS that the UC's name is "Kareem."

"overseas . . . for final confirmation," apparently referring to NAFIS's belief that the UC was obtaining approval from al-Qaeda leadership for NAFIS's upcoming attack. This communication was consensually recorded.

24. Later during the same discussion, NAFIS told the CHS, in sum and substance, that his upcoming attack was going to be a "one man job," indicating that NAFIS did not want the CHS or the CO-CONSPIRATOR to be directly involved in NAFIS's attack on the financial district. NAFIS and the CHS then discussed how the CHS and the CO-CONSPIRATOR might launch their own attacks after NAFIS's attack was complete.

V. NAFIS Tells The UC That He Wants To Remotely Detonate The Explosive Device

25. On or about September 15, 2012, NAFIS again met with the UC in a hotel room in Queens, New York. During that meeting, which was consensually recorded, NAFIS told the UC, in sum and substance, that he wanted to launch an attack on the financial district involving explosive devices in multiple cars with other individuals participating in the attack. NAFIS also confirmed that he was ready to kill himself during the course of the attack, but

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Accordingly, based on my training, experience and knowledge of this investigation, I believe NAFIS was referring to the UC when he mentioned "K."

indicated that he wanted to return to Bangladesh to see his family one last time to set his affairs in order. In addition, during this meeting, NAFIS and the UC discussed how they needed to locate a storage space in which to assemble the components for the explosive device NAFIS would use in the attack. NAFIS agreed to look for a storage space.

26. On or about September 20, 2012, NAFIS again met with the UC for the purpose of identifying storage spaces where NAFIS could conceal the components for an explosive device. Prior to that meeting, which was consensually recorded, NAFIS had identified several possible storage space locations to which NAFIS directed the UC so they could examine them. In addition, NAFIS told the UC that, for operational reasons, he was considering attacking the Federal Reserve Bank instead of, or in addition to, the New York Stock Exchange. NAFIS also told the UC, in sum and substance, that he understood that the attack he was planning would result in a large number of civilian casualties, including of women and children, but still wanted to proceed with the attack.

27. Also during the course of that September 20, 2012 meeting, NAFIS once again told the UC that he wanted to return to Bangladesh prior to launching his suicide attack in the United States. The UC responded, in sum and substance, that if NAFIS

returned home, he risked having his attack plan detected by U.S. law enforcement officials. As such, the UC told NAFIS that while NAFIS was free to return home at any time, NAFIS could not travel internationally if NAFIS truly intended to carry out his attack with al-Qaeda's assistance. The UC then told NAFIS that he would pass along NAFIS's request to al-Qaeda leadership.

28. During a subsequent consensually recorded telephone call with the UC on or about September 23, 2012, NAFIS urged the UC, in sum and substance, to remind the al-Qaeda leadership both that NAFIS had come up with the attack plan himself, and that he had come to the United States for the purpose of conducting just such an attack.

29. On or about September 27, 2012, NAFIS again met with the UC. At the beginning of that meeting, which was consensually recorded, the UC explained to NAFIS, in sum and substance, that the al-Qaeda leaders with whom the UC had purportedly consulted at NAFIS's request would not wait for NAFIS to return from Bangladesh before carrying out the attack. However, they had authorized NAFIS to use a remote-controlled explosive device, rather than launching a suicide attack. The UC explained that as a result, NAFIS could participate in the attack and later return to Bangladesh. The UC then asked NAFIS whether NAFIS wanted to continue to move forward

with the plot, and NAFIS repeatedly confirmed that he was committed to carrying out an attack on the financial district. Indeed, NAFIS was excited by the new plan to detonate the explosive device remotely because, he indicated, it would allow him to conduct additional terrorist attacks on U.S. soil.

30. During that same September 27, 2012 meeting, NAFIS told the UC, in sum and substance, that he hoped that his attack would disrupt the upcoming presidential elections. NAFIS said, “You know what, this election might even stop.”

VI. NAFIS Prepares The Explosive Device

31. On or about October 4, 2012, NAFIS and the UC met and traveled to a warehouse in the Eastern District of New York (the “Warehouse”) that NAFIS stated he believed was suitable for storing the explosives for the attack. Prior to that meeting, which was consensually recorded, NAFIS had obtained numerous items for use in the explosive device, including batteries and other electrical components. During the meeting, NAFIS and the UC purchased additional components to construct the explosive device, including large garbage bins to contain the purported explosive material. NAFIS told the UC, in sum and substance, that they should return to the financial district during their next meeting to finalize exactly how they would carry out the attack and escape. NAFIS told the UC:

"We need to make a very concrete plan." In addition, when the UC asked whether NAFIS was ready to proceed with the attack, NAFIS responded: "There is nothing stopping me."

32. On or about October 12, 2012, NAFIS and the UC met and transported what NAFIS believed to be explosive material to the Warehouse.[7] This meeting was consensually recorded. Upon arriving at the Warehouse, NAFIS and the UC offloaded approximately twenty fifty-pound bags of this purported explosive material into a trailer. NAFIS also gave the UC a tarp that he had previously purchased with his own money to cover the purported explosive device when it was placed in the van. NAFIS also provided the UC with a thumb drive containing an article NAFIS had written about his motivations for his attack. NAFIS believed that this article would be published by Inspire magazine. In that article, NAFIS included quotations from "[o]ur beloved Sheikh Osama bin Laden" to justify the fact that his plot likely involved the killing of women and children. NAFIS also stated the following:

> all I had in my mind are how to destroy America . . . I came up to this conclusion that targeting America's economy is most efficient way to draw the path of obliteration of America as well as the path of establishment of Khilapha.

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[7] The material that purported to be the explosive material was actually inert and posed no threat to the safety of the public.

> I decided to attack the Federal Reserve bank of New York which is by far the largest (by assets), most active (by volume) and most influential of the 12 regional Federal Reserve Banks. New York Federal Reserve Bank implements monetary policy, supervises and regulates financial institutions and helps maintain the nation's payment systems.

33. Shortly after this October 12, 2012 meeting, NAFIS called the UC and informed the UC that he had purchased a second mobile telephone that NAFIS would use to place the cellular telephone call to trigger the detonator for the bomb. This call was consensually recorded.

34. On or about October 13, 2012, as previously suggested by NAFIS, NAFIS and the UC returned to the financial district so NAFIS could scout the site for his upcoming attack. During the drive to the financial district, NAFIS plugged the thumb drive into his computer and read aloud his article that he intended to be published in Inspire. This meeting was consensually recorded. NAFIS ultimately left the thumb drive with the UC, and it remains in FBI custody.

VII. NAFIS Attempts To Detonate The Explosive Device In The Financial District Of Manhattan

35. On or about October 15, 2012, the UC called NAFIS and advised that they would be ready to proceed with the attack on October 17, 2012. NAFIS agreed and indicated, in sum and substance, that

he was eager to proceed with the attack on that day. This call was consensually recorded.

36. In the evening on or about October 16, 2012, NAFIS called the UC and stated, in sum and substance, that he wanted to "add something" to the planned attack, and that he wanted the attack "to happen, no matter what." That call was consensually recorded.

37. In the early morning on or about October 17, 2012, NAFIS and the UC met and drove to the Warehouse in a van (the "Vehicle"). This meeting was consensually recorded. During this drive to the Warehouse, NAFIS told the UC, in sum and substance, that he had a "Plan B," which involved changing the attack into a suicide bombing operation in the event that NAFIS believed the attack was about to be thwarted by police.

38. After arriving at the Warehouse, NAFIS assembled the purported one thousand-pound explosive device, pouring the bags containing the inert explosive material into the trash bins and placing them inside the Vehicle. He also installed components for the purported detonator. As NAFIS and the UC prepared to leave the Warehouse, NAFIS collected the empty bags that had contained the inert explosive material and placed them in the van. NAFIS then told the UC, in sum and substance, that he was collecting the extra bags because he believed that there might be residual explosive materials

in the bags that would contribute to the strength of the anticipated detonation and kill more people.

39. NAFIS and the UC then drove in the Vehicle from the Warehouse to the New York Federal Reserve Bank. During this drive, Nafis explained that his jihadist views were shaped, in part, by videotaped sermons of Anwar al-Awlaki. In addition, NAFIS told the UC that he wanted to record a video statement prior to detonating the device.

40. Before entering Manhattan, NAFIS armed the purported explosive device for detonation by turning on the cellular phone to be used in the detonator, installing the battery in the detonator and connecting the wires linking the detonator to the purported explosive materials.

41. Upon arriving at the New York Federal Reserve Bank, NAFIS and the UC parked the Vehicle, exited, and walked to a nearby hotel. Once inside a room at the hotel, NAFIS told the UC to film a video statement Nafis wanted to make concerning the attack. During a video-recorded statement to the American public, NAFIS stated: “We will not stop until we attain victory or martyrdom.” While making his video statement, NAFIS covered his face, wore sunglasses, and disguised his voice.

42. After completing the video, NAFIS repeatedly attempted to detonate the purported bomb by placing multiple telephone calls to the cellular telephone which he had installed as the initiating device for the detonator. By placing these calls, NAFIS was attempting to detonate the purported bomb inside the Vehicle which was parked next to the New York Federal Reserve Bank. These calls by NAFIS were observed by the UC and captured via court-authorized pen register/trap and trace devices on both the phone NAFIS used to make the calls, and the phone connected to the purported explosive device. Agents entered the Vehicle and visually confirmed that the detonator had been activated. Agents subsequently placed NAFIS under arrest.

CONCLUSION

WHEREFORE, your deponent respectfully requests that the defendant REZWANUL NAFIS be dealt with according to law.

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JOHN NEAS
Special Agent
Federal Bureau of Investigation

Sworn to before me this
___ day of October, 2012

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UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK